Vol. II

TRANSCRIPT OF RECORD

(Pages 753 to 1421)

Supreme Court of the United States

OCTOBER TERM, 1955

No. 10

COMMONWEALTH OF PENNSYLVANIA,
PETITIONER,

vs.

STEVE NELSON

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE COMMONWEALTH OF PENNSYLVANIA, WESTERN DISTRICT

PETITION FOR CERTIORARI FILED JULY 24, 1954

CERTIORARI GRANTED OCTOBER 14, 1954

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The Court:

Q. Well "cut," was he paid for his services in connection with it?

A. Yes, your Honor.

Mr. Nelson:

Q. All right. Did Mr. Moore get paid?

A. Yes, sir.

Q. How much did he get?

The Court: The objection to that is sustained.

Mr. Nelson:

Q. Was there anyone else connected with that venture of yours that you sold to Warner Brothers?

A. Well, Warner Brothers——

Q. I am talking about things local——

The Court (to the witness): Connected with you.

[fol. 1537] Mr. Nelson:

Q. Connected with you?

A. No, sir.

Q. Are you sure?

A. Yes, sir.

Q. No one else from the A.B.C. that you know of had any interest in it?

A. No, sir.

Mr. Cercone:

Q. What is the A.B.C.? I don't know what——

A. Americans Battling Communism.

Mr. Nelson:

Q. Are you sure Judge Blair Gunther had nothing to do with it?

A. Well, he fights Communism; but he didn't have anything——

Q. I am asking you about the story——

The Court:

Q. The sale of the story to Warner Brothers. Was anyone else——

A. No, sir.

Mr. Nelson:

Q. Did Judge Musmanno have any connection with you in connection with that story?

[fol. 1538] A. No, sir.

Q. He didn't go over the script for you, did he?

A. No (nodding).

Q. Are you sure?

A. I'm positive.

Q. You are positive?

A. Yes.

Q. I believe you testified there was a Peter Martin that wrote the articles for the Saturday Evening Post which bear your name; is that right?

A. Yes, sir.

Q. There were three articles, lengthy articles—right?

A. Yes, sir.

The Court:

Q. It has been brought out here that I have membership—had membership in the A.B.C. Did I have anything to do with the writing of your article?

Mr. Nelson: I didn't go into that.

The Court: Well, I think in justice to the Court that the jury should know it.

The Court:

Q. Did I have anything to do with your articles?

[fol. 1539] A. No, your Honor.

Mr Nelson:

Q. Well, since you brought the question back in, Harry Alan Sherman is vice-president of the A.B.C., isn't that right?

A. Truthfully, I don't know what his title is.

Q. You don't know what his title is?

A. No (nodding).

Q. All right. To get back to the Saturday Evening Post articles. How much did you get for those articles that you published in the Saturday Evening Post?

Mr. Cercone: This is objected to, your Honor.

The Court: Objection sustained. Exception noted.

Mr. Nelson:

Q. Who else had an interest with you in those articles, financial interest?

A. Harry Alan Sherman and Jim Moore.

Q. And what was their cut?

The Court: Objection sustained.

Mr. Nelson: Well, the objection wasn't even made.

[fol. 1540] Mr. Cercone: I object——

The Court: Well, it's the same objection, Mr. Nelson. I have forbidden you to go into the amount of income or the share of any of the participants, so that's just another way of telling you the question is out of order, it's been ruled on.

Mr. Nelson:

Q. Are the articles that appeared in the Saturday Evening Post as truthful as your scenario that you sold to Warner Brothers? Answer yes or no.

A. Substantially true, yes, sir.

Q. Just as truthful as the articles you sold to Warner Brothers, isn't it?

A. I said "substantially true."

Q. So the articles in the Saturday Evening Post aren't true either, aren't they?

A. I said "substantially true".

Q. Well, what does that mean? You mean there's a little bit of lies?

A. No, no——

Q. Wait a minute, now——

A. I said the substance——

[fol. 1541] Q. You said "substantially true." Now, that means it isn't altogether true; right?

A. I said in substance they are true, that's what it means.

Q. Now, Mr. Cvetic, when you say "substantially" you want to be sure you qualify it because you know you testified on another occasion where you admitted that those articles were not true either; isn't that true?

A. No, that isn't true.

Q. You can lean back and twiddle there, but you know you answered that. You told us when the question was put to you that the articles there are not completely true; isn't that so?

Mr. Cercone: This question has already been answered——

The Court: Objection overruled.

Mr. Cercone: It's repetition.

The Court: Objection overruled.

A. I answered that they are substantially true.

Mr. Nelson:

Q. Well, which part, then, is not true, Mr. Cvetic? You [fol. 1542] can answer that. Which part of those articles is not true?

A. Well, I would have to read the articles but——

Q. Well, to your best recollection, which is not true? Is it as truthful as your testimony is here?

A. I said the articles are substantially true. I would have to read them and—I would say they are about—allowing for any—again you say they allow for editorial license, it does tell much about the work of the Communist Party in this district.

Q. But you state in the preface to the articles, or the editor states, that these are based on the experience of so and so in the Communist Party and they are true, that's what the editor says; isn't that so? But you, on this stand, admitted that they are not wholly true?

Mr. Cercone: I object to that, your Honor, as to what the editor said about it.

The Court: The objection is overruled but make your question—you are giving two questions. Read the first part and then the second part.

(Question read as follows: "But you state in the preface to the articles, or the editor states, that these are based on the experience of so and so in the Communist Party [fol. 1543] and they are true, that's what the editor says; isn't that so?")

A. Yes, they are—I presume that's what the article says, they are based on my experiences, that's correct.

(Second part of previous question read as follows: "But you, on this stand, admitted that they are not wholly true?")

A. I said they are substantially true.

Mr. Nelson:

Q. Which means that they are not based on truth?

A. The articles were written by Pete Martin and I can't talk for Pete Martin.

Q. Did he distort them for you?

A. No, sir, they are——

Q. Did you see the articles before they were printed after they were made up on linotype; were you shown copies before they were printed?

A. Yes, sir.

Q. Did you O.K. the articles?

A. Yes, sir.

Q. So you O.K.'d articles that went out as the truth but [fol. 1544] you say on this stand that they are substantially true?

A. Yes, sir.

Q. Which means that they are not completely true?

Mr. Cercone: He didn't say that, your Honor.

The Court: Well——

Mr. Nelson: I think the record will show, your Honor, that he answered that they are substantially true, which means they are not wholly true.

Mr. Cercone: It doesn't mean that at all.

The Court: He analyzed that as saying they are true in substance. Now what that means, of course, I am not prepared to say.

Mr. Nelson:

Q. All right. How come you didn't put in your bit about murder in the Saturday Evening Post articles, Mr. Cvetic?

Mr. Cercone: That is objected to, your Honor.
The Court: Objection overruled.

[fol. 1545] The Court:

Q. Is there anything in the articles about murder, Mr. Cvetic?

A. No, sir.

Mr. Nelson:

Q. It's because it wasn't true in the motion picture; isn't that so?

Mr. Cercone: I object to this form of the question.
The Court: Objection overruled.

A. I already stated that I knew of no murders in Western Pennsylvania. If I did I would have reported them to the police authorities.

Mr. Nelson:

Q. Well, it took a long time for you to state that, Mr. Cvetic.

A. I stated that before: I stated that before.

Q. But you didn't hesitate to sell a scenario to a motion picture company for $12,500, isn't that so?——

Mr. Cercone: Objected to——

Q. (continued)—just so you could get that money?

[fol. 1546] Mr. Cercone: This is objected to, your Honor.
The Court: Objection sustained. Exception noted.

Mr. Nelson:

Q. You wouldn't hesitate to sell anything for money, would you, Mr. Cvetic, including your testimony on the stand?

Mr. Cercone: This is objected to, your Honor.
The Court: Objection overruled.

A. Mr. Nelson, I don't—is it overruled?

The Court: It's overruled, yes. Answer the question.

A. Mr. Nelson, I don't sell testimony. I spent nine years in—seven years in the Communist Party, nine years working under cover. I am testifying here as to what I knew, what I saw and what I heard in the Party. I can't speak for anyone else.

Mr. Nelson:

Q. But in order to make your story effective for the motion picture company, you wouldn't hesitate to add something to it, would you, which wasn't true?

A. I'll let you in on something. I didn't work on the motion picture.

[fol. 1547] Q. You got the cash for it, didn't you? You told somebody, "Go ahead, write anything you want, I'll put my name on it, give me $12,500, that's all I want." Isn't that true?

Mr. Cercone: I object to that.

The Court: Objection sustained. Exception noted.

Mr. Nelson:

Q. And you did the same thing with the Saturday Evening Post articles, didn't you?

Mr. Cercone: This is objected to also, if it means the same thing as the previous question.

The Court: Well, I don't know. It may require a little explanation. He said he saw the articles in the Saturday Evening Post before they were published and he approved them, read them and approved them. I don't know what he did with the movie——

The Court:

Q. How was the scenario prepared? Can you explain that to us?

A. Yes, it was prepared on the Coast. I didn't read the script.

[fol. 1548] Q. Was it taken from the script of the Saturday Evening Post articles?

A. That, together with a lot of other material they had available out there on the Communist Party.

Q. Well, what was your—what did you sell the Warner Brothers, the rights as given in the article or were new——

A. The only thing I had——

Q. (continued)—articles written by Pete Martin different from the Saturday Evening Post articles?

A. All I sold was the rights to those articles.

Q. What? The Saturday Evening Post?

A. The Saturday Evening Post articles.

Mr. Nelson: Well, your Honor, I think the only matter that stands before us now—and I believe the Court ought to permit me to find out—how much money this man gets out of selling lies.

The Court: Well, I've ruled on that. I'm not going to change the ruling. The amount of money he received——

Mr. Nelson: Well, if he did it for nothing——

The Court: Oh, he told you he received money for all of [fol. 1549] these things, received money for the articles, received money for the scenario and his motion picture rights——

Mr. Cercone: And this wasn't until after he left the FBI in 1950.

Mr. Nelson: Are you testifying——

The Court: But I won't let him disclose the amount of money involved. I won't compel him to disclose the amount of money involved, what he received or what any of his associates received.

Mr. Nelson: I think, your Honor, it is really material to the credibility of this witness. It shows you could buy him for money, he'll do anything for money. If a man will allow his name to appear on a lying story he will lie on the stand. What can I do with him——

The Court: You can argue that to the jury all you want, Mr. Nelson. The only thing I am limiting is I won't compel him to disclose the amount of money he received in those [fol. 1550] connections, although I did permit you to ask him what he is receiving for testifying here.

Mr. Nelson: We'll get to that. I was trying to clear up this one——

The Court: Well, you are limited on that, and your record is perfected to note your objection and an exception.

Mr. Nelson:

Q. Isn't it true, Mr. Cvetic, that you are being sued by your former partner in crime, Mr. Harry Allen Sherman——

Mr. Cercone: Now, that is objected to——

Mr. Nelson:

Q. (continued) ——to get more of the money on the story you are going to sell?

Mr. Cercone: This is objected to.

The Court: The objection is sustained.

[fol. 1551] Mr. Cercone: These questions are getting more ridiculous all the time.

The Court: If you want to argue that Mr. Sherman is suing him for——

Mr. Nelson: This whole trial is ridiculous and you know it. It's a frame-up and you——

Mr. Cercone: This is the most serious trial in the history of the Country——

Mr. Nelson: Yes.

Mr. Cercone: Most serious——

Mr. Nelson: You would like to be another Judge.

The Court: Do you want me to recess again and let you go out in the hall and argue it out there, or do you want to try this case for the benefit of the jury?

Mr. Nelson: I don't want these sticks thrown under my feet by the prosecutor——

[fol. 1552] The Court: You start it and then he follows it up, so——

Mr. Cercone: The only reason I follow it up, I just can't let this ranting go on uninterrupted. I would like to proceed in an orderly procedure.

The Court: Let's proceed and cooperate one with the other, and see if we can't complete it on that basis. Proceed.

Mr. Nelson: I just wanted to be sure, your Honor, in

the other trial these questions were allowed, how much money this man made.

The Court: I'm not following the pattern of the other trial. I told you before I haven't even looked at the record of the other trial. So I just—if my ruling is proper, that's the reason I'm resting on it.

Mr. Nelson:

Q. Has your financial venture, or racket with Harry Alan Sherman ended?

[fol. 1553] Mr. Cercone: I object to these statements, your Honor, in these questions; they are not based on any fact and it is unfair for him to ask——

Mr. Nelson: It's been in the newspapers, Mr. Cercone. Didn't you read the papers last night?

The Court: Ask him in the proper way.

The Court:

Q. Has your association with Mr. Sherman in connection with these matters ended or is it still existing?

A. This radio series is a separate venture.

Mr. Nelson:

Q. But you still have a venture that continues with Harry Alan Sherman, does it?

A. I have a running contract with Sherman, yes.

Q. You have a contract with him, and how long does it run?

A. It's an indefinite contract.

Q. Indefinite contract?

A. Yes.

Q. Well, what does that contract cover?

[fol. 1554] Mr. Cercone: Well, that's objectionable, your Honor.

Mr. Nelson: It's important. These two men had something to do with this frameup——

The Court: It covers capitalizing on this information, and that has been testified to, but any further details I'm not going to permit to be elicited. The objections is sustained to the question.

Exception noted.

Mr. Nelson: You mean, your Honor, I can't go into the question of whether these men are still making money jointly out of these ventures?

The Court: No—

Mr. Nelson: I didn't ask him how much.

The Court: You asked him whether they were continuing and he said he had an indefinite contract with Mr. Sherman that was still existing. Now, if you want to know further what the items and conditions of the contract are, I say that that is not relevant here. If you want to ask him if Mr. Martin or Mr. Moore still are associated with him, why, you may do so, I'll grant you that.

[fol. 1555]

Mr. Nelson: I'll come to that, your Honor.

Mr. Nelson:

Q. Does your contract with Harry Alan Sherman include a cut on stories you sell to magazines dealing with the ostensible experience in the Communist Party as you attempted to elaborate in those stories?

A. It would—if Harry Alan Sherman would do any work for me, the same as any other agent, he would be paid.

Q. Is he getting paid for proceeds on the stuff that's published now by you?

A. No, sir.

Q. Does he get any proceeds from your motion picture venture?

Mr. Cercone: That was already answered.

The Court: Let it be answered again.

[fol. 1556]

The Court:

Q. Is he still participating in the revenues from the motion picture venture?

A. No, sir, we have been paid for that.

Mr. Nelson:

Q. The contract went out with the Warner Brothers?

A. Yes, sir.

Q. And your new contract to sell these rights to the radio company, or the television company mentioned here, who

derives any cut with you from that new contract that you signed?

A. Just myself, with this——

Q. No commission to anyone?

A. —with this understanding, the details of the contract are not complete yet.

Q. Well, are you acting as your own agent with that company?

A. Yes, sir.

Q. And who did you deal with in that company with regard to the sale of your rights?

A. John Sinn.

Q. And did you discuss the material that was to go into your story that you are selling him?

A. Yes, sir.

Q. And is it substantially based on the material that you approved for Warner Brothers?

[fol. 1557] A. It's based on the Saturday Evening Post story.

Q. On the story that is not substantially true, is that it?

A. That is substantially true.

Q. On the story that has substantial faults—right?

A. No substantial faults——

Q. Falsehoods?

A. No—I didn't say falsehoods; I said substantially true.

Q. Which means that there is also—you can put it this way, that there is substantial falsehood in the story; isn't that right?

A. That isn't right.

Q. All right, we'll get a dictionary and see what that means——

Mr. Cercone: The witness has explained what he thought it means.

Mr. Nelson:

Q. Who was it that contacted you orignally to testify in this case?

A. (No response.)

Q. Can't you remember? Do you have to think hard——

A. Just a minute——

The Witness (to the Court): Your Honor, may I answer his question without being interrupted——

[fol. 1558] The Court: Yes——

The Witness (Continued): ——this fellow shouting at me and interrupting me.

The Court: Yes. Give the witness an opportunity to answer the question without any insinuating remarks.

Mr. Nelson: Well, does it take a long time to recollect as far back as a year and a half ago——

Mr. Nelson:

Q. Who are you trying to cover up?

Mr. Cercone: Does that make you nervous or something?

Mr. Nelson: Now, look——

Mr. Cercone: Give the man some time to answer.

The Court: We will ask the defendant to afford the witness ample opportunity to answer the question.

[fol. 1559] A. In this particular case, Bill Cercone.

Q. Who?

A. Bill Cercone, the district attorney.

Q. Bill Cercone. And when was that?

A. Oh, about three or four weeks ago, I guess; then he called me while I was in New York and on the Coast.

Q. Didn't Judge Musmanno discuss this case with you, Mr. Cvetic?

A. This case?

Q. Yes.

A. I didn't discuss this case with Musmanno.

Q. Did he ask you to testify against me in the previous trial?

A. No, sir.

Q. No? Who was it that did?

A. I was subpoenaed by the County, by the District Attorney's office.

Q. Did you discuss the advisability or the probability of my arrest with the officials of the A. B. C., with Judge Gunther?

A. I don't know whether he—is he an official of the A. B. C.?

Q. Well, you should know.

A. Well, I'm not a member.

The Court:

Q. Whether he is or not, did you discuss it with Judge Gunther?

A. No, sir.

[fol. 1560] Mr. Nelson:

Q. Did Harry Alan Sherman suggest the idea to you that this might be a good proposition on which to make some money when you were asked to testify in the previous trial against me?

A. May I have that question, please?

(Question read.)

The Witness: Your Honor, I resent the intimation here about this money angle. I——

The Court: Well, we'll——

Mr. Nelson: Oh, yes, I understand that——

The Court: We will sustain your objection to the form of the question.

The Court:

Q. Did you discuss this with Mr. Sherman prior to the first trial, or did he suggest to you that it would be a good idea for you to testify in it?

A. No, sir.

Mr. Nelson:

Q. Who asked you to testify before the Grand Jury with [fol. 1561] Harry Alan Sherman?

A. I was subpoenaed to appear before the Grand Jury.

Q. Was he subpoenaed?

A. You will have to ask Sherman. I don't——

Q. You don't know?

A. I mean I don't recall.

Q. You don't know?

A. I said I don't recall.

Q. You say you are not a member of the A. B. C.? That's what you said a minute ago.

A. I am not an official member, if that's—I never attended any meetings or anything of the A. B. C.

Q. Did you get any money from the A. B. C. at any time?

Mr. Cercone: That is objected to. The form of the question is too vague and general.

Mr. Nelson: He can answer yes or no.

The Court:

Q. Well, were you paid for any services by the A. B. C.?

The Court (to counsel): Is that what you mean?

Mr. Nelson:

Q. Did you ever work for the A. B. C.?

[fol. 1562] A. No, sir.

Mr. Nelson:

Q. When I asked you a question a minute ago you answered—that is, when I put the question "Did you get any money from the A. B. C.", you answered "No, sir."

A. I didn't answer that.

Q. Well——

A. I didn't answer that.

Mr. Nelson: I would like to have the record read, your Honor. It's a very important item.

The Court: All right, we will ask the reporter to refer to the record.

(Testimony read.)

Mr. Nelson:

Q. Now, Mr. Witness——

Mr. Cercone: Wait just a minute——

Mr. Nelson: Just a minute——

[fol. 1563] Mr. Cercone: There were two questions there, "Did you ever get paid" and "Did you ever work for them?"

The Court: The objection is overruled.

Mr. Cercone: I am just asking, your Honor, that the question be clarified.

The Court: Well, the question is already answered. He is going to put a new question.

Mr. Nelson:

Q. Now, a question was put to you on 3535 of the old record, by the attorney in the case, "Were you receiving any money from an organization known as the A. B. C.? A. No, sir. Q. Did you receive any money from them? A. Yes, sir. Q. What year? A. 1950. Q. How much? A. I received $200 from the A. B. C." Do you remember that testimony?

A. You bet I do; that is correct.

Q. Did you give it under oath?

A. That is absolutely correct.

Q. But you answered here you didn't receive any money from them, but there you admitted you received $200 at the beginning of this case, didn't you?

[fol. 1564] A. No, I answered here—I was asked if I did any work for the A. B. C., or whether I was paid for any work, and the answer is "No, I never worked for the A. B. C."

Q. But did you receive any money? That was my question.

A. Now, ask me the question and I'll answer it.

Q. That was the question put to you. You didn't know I was going to dig this up, did you, Mr. Cvetic——

Mr. Cercone: I said that that question wasn't clear.

The Court:

Q. Did you receive $200 from the A. B. C.?

A. Yes, your Honor.

Q. What was it for——

Mr. Nelson: Your Honor, I didn't say that he worked for the A. B. C. That wasn't the question put by me to him. You put that to him.

The Court: That's right.

Mr. Cercone: So long as we have that clear.

The Court: Well, he has answered now he received $200 [fol. 1565] from the A. B. C.

The Witness: Your Honor——

The Court: Just a minute.

Mr. Nelson:

Q. When you first announced your so-called activities in the Communist Party, you went over to Judge Blair Gunther, didn't you, to his court room or to his chambers, and there you were plotting certain arrangements in connection with these prosecutions against myself; isn't that true?

Mr. Cercone: I object to this word "plotting". Everything is a plot with this defendant, or a venture, or something.

The Court: Objection overruled.

A. May I have the question, please?

(Question read.)

A. No, sir.

Q. It is true, isn't it, you had discussions with Judge Blair Gunther at that time?

A. Yes, sir.

[fol. 1566] Q. And is it your testimony now that the question of prosecution against me was not discussed by you and he at that time?

A. To the best of my knowledge it was not.

Q. But you knew the program of the A. B. C. at that time called for arrest and prosecution of people like myself and others?

A. I don't know the program of the A. B. C. even to this date.

Q. I see. What did you get $250 for?

A. $200.

Q. I think I misread the record. I want to make sure since we are—that's right—what did you get the $200 for from Judge Blair Gunther, or the officials of the A. B. C.?

A. For my personal use.

Q. For your personal use?

A. That's right.

Q. You mean for the patriotic work that you claim you are doing now when you testify?

A. No, not—I didn't do any work for the A. B. C. I simply——

Q. So they simply give you a check just like that, for nothing at all; is that it?

A. No, it was given to me because I needed expense money in connection with my trip to Washington and I asked for money.

Q. How much did you get for testifying at the previous trial which involved me?

Mr. Cercone: This is objected to.

[fol. 1567] The Court: Objection overruled.

A. I guess I put in about three months or so sitting around; I got $250.

Mr. Nelson:

Q. $250?

A. Yes, sir.

Mr. Cercone:

Q. For how long? For three months?

A. For about three or four months.

Mr. Nelson:

Q. How much did you make in this case so far, Mr. Cvetic?

A. In this case?

Q. Yes.

A. Nothing.

Q. That's as true as your story to Warner Brothers, Mr. Cvetic?

Mr. Cercone: Your Honor, we can prove that right now, that he didn't receive a cent.

The Court: The objection is sustained as to the question.

Exception noted.

[fol. 1568] Mr. Nelson:

Q. How much will you get out of testifying—strike that. How much were you offered for testifying in this case, Mr. Cvetic?

A. There was no offer made to me. I told the District Attorney that I expected to be paid day to day's fees.

Q. $25.00 plus $9.00?

A. Yes, sir.

Q. Any other additional expenses?

A. I made a trip in from New York and I expect my expenses to be paid.

Q. Now, in the course of your testifying throughout the country, how many people would you say you have testified against altogether, just to establish that clearly?

A. Oh, gosh—I mean, I—possibly—it's hard to venture a guess. It must have been 15 or 20 anyway.

Q. Does the name "Marjorie Matson" mean anything to you? Do you know the person?

A. Yes, it does.

Q. Did you in any way—were you in any way involved in her case?

A. Yes, sir.

Q. Who is Mrs. Matson?

A. A District Attorney.

Mr. Cercone: Now, your Honor——

Mr. Nelson: Just a minute now——

[fol. 1569] Mr. Cercone: I ask for an offer on that.

Mr. Nelson: Well, I want to show that this man testified against Mrs. Matson, that's all.

The Court: The objection is overruled. I think the offer is apparent. All right, proceed with your questioning.

Mr. Nelson:

Q. And who is Mrs. Matson?

A. She's a District Attorney.

Q. And where did you testify against her?

A. In the—I don't know what the building is—City-County Building.

Q. What court was it?

A. It was one of the court rooms.

Q. Who was the Judge in the case?

A. There was not a Judge; there were five sitting lawyers.

Q. And what did you say about Mrs. Matson in that case?

Mr. Cercone: Your Honor, that is objected to, going into another case and——

The Court: The objection is sustained. Exception noted.

[fol. 1570] Mr. Nelson:

Q. Who asked you to testify against Mrs. Matson?

Mr. Cercone: That is objected to, your Honor.

The Court: Oh, we will let him ask that——

Mr. Nelson: I want to show Harry Alan Sherman and he had this racket worked up so nice——

Mr. Cercone: I object to this, because——

Mr. Nelson: I know you object.

Mr. Cercone: Because it has nothing to do with the case.

The Court: We will permit him——

Mr. Nelson: That's the trouble with this witness. You can buy him for a nickel any time you want to——

The Court: All right, gentlemen, if you want to argue your case again, as I said before we will open the halls [fol. 1571] to you and let you argue it out there. If you want to conduct a trial here we will conduct it for you.

Mr. Nelson: I'm sorry, your Honor, but Mr. Cercone interrupts——

The Court: If you will listen to me, I said you can ask the question who enlisted his testimony in testifying before that Commission over there and concerning Mrs. Marjorie Matson.

Mr. Nelson: That's all I asked for.

The Court: Well, then, limit yourself to questions. Argue it before the jury, as I told you many times before, not with the District Attorney.

The Court:

Q. Who asked you to testify?

A. The State Attorney General.

Q. The State Attorney General?

A. I was subpoenaed.

[fol. 1572] Mr. Nelson:

Q. Did Harry Alan Sherman ask you to testify against Mrs. Matson?

A. No, sir.

Q. Were you paid for testifying against Mrs. Matson? That shouldn't be hard——

A. No, I'm trying to think how—you know, was I paid—I received some fees but I don't know exactly what they were.

Q. How much?

A. I don't recall what it was.

Q. Was it $10?

A. No, it was more than that.

Q. That's just a little change for you——

Mr. Cercone: I object to that.

The Court: Objection overruled.

Mr. Nelson:

Q. Was it $100, or was it thirty pieces of silver, Mr. Cvetic?

Mr. Cercone: Your Honor, I object to that kind of——

The Court: Objection overruled.

The Court:

Q. The substance of all these questions was, how much [fol. 1573] or what was your fee for testifying before that Commission?

Mr. Cercone: Your Honor, I submit that I think it ought to be a matter of record that this court room is filled with the defendant's partisans in here——

Mr. Nelson: I object to this, your Honor, what—if he has any offers to make——

The Court: We will make no such mention of anybody in the court room. If it comes to the stage

Mr. Nelson: They have a right to come here. What are you trying to do, have this in star chambers where nobody hears this racket of yours?

The Court: All right, Mr. Nelson, proceed.

Mr. Nelson:

Q. Answer the question: How much did you get for testifying against Mrs. Matson?

A. I said I don't recall.

[fol. 1574] Q. Was it a hundred dollar bill or was it thirty pieces of silver——

The Court:

Q. Give us your best estimate of what it was?

A. As far as I recall it was about two or three hundred dollars for my work.

Mr. Nelson:

Q. Two or three hundred dollars?

A. That's right.

Q. And it is true, isn't it, as a result of your testimony you caused that woman untold hardship; isn't that true?

Mr. Cercone: This is objected to.

The Court: Objection sustained. Exception noted.

Mr. Nelson:

Q. It's true, isn't it, that she lost her job as a result of your fingering?

Mr. Cercone: This is objected to.

The Court: Yes, the results of that or any——

Mr. Nelson:

Q. And it's true that that Board you testified before [fol. 1575] rejected your testimony and upheld her position; isn't that true?

Mr. Cercone: This is objected to. The defendant ought to be instructed not to ask any questions along that line.

The Court: Objection sustained. Exception noted.

Mr. Nelson: You cooked this up, Mr. Cercone, so you——

Mr. Cercone: Your Honor, I object to that.

The Court: The objection is well taken. We are getting off the point completely here, Mr. Nelson. You will please respect the rulings of the Court.

Mr. Nelson: You mean I can't go beyond this question of——

The Court: No, I didn't say that. I just told you to quit arguing with the District Attorney, and I told him to

quit arguing with you. If you have a question, put it and the District Attorney will make an objection and I'll rule [fol. 1576] on it and we'll get along very nicely under those arrangements.

Mr. Nelson: Well, is the question permissible that——

The Court: Read the last question and I'll tell you. I can't get the substance of these questions when they are put in the form of argument.

Mr. Nelson:

Q. All right. Is it true or is it not true that after you testified in that case, that Board decided that your accusations against that woman were unfounded, and reinstated her in her position?

Mr. Cercone: This is objected to.

The Court: Objection sustained. Exception noted.

Mr. Nelson: Then, your Honor, I don't know how to pursue this question, your Honor.

The Court: You can't pursue it very much farther——

Mr. Nelson: I think it is important, I want to show this man will appear anywhere and testify against anybody. [fol. 1577] The Court: You have already shown that, but I am not going to let you show the results of every hearing in which he testifies, or every trial.

Mr. Nelson: I want to show the way he fingers innocent people just for money.

The Court: You are doing that——

Mr. Nelson: And that is what he is doing here——

The Court: He has testified to that. You can argue those points to the jury. This is not the time for it. You can't argue each point as you go along or we would have everlasting arguments here; although you are making your point, the witness gives you the answers to the questions and that gives you your ammunition to argue to the jury, but don't argue with counsel or with the Court at this time. Once your point is made, then you can argue to the jury when the proper time comes.

[fol. 1578] Mr. Nelson: Well, not having that experience——

The Court: Oh, well, I know, but it doesn't require experience to know that this must be conducted in an orderly fashion, there is a time for everything——

Mr. Nelson: Your Honor, I believe I'm as orderly as Mr. Cercone is, who should know more——

The Court: We will not debate that.

Mr. Cercone: The only reason I get up is when this man makes a speech, that's all.

The Court: There are many things that the Court is overlooking in order to facilitate the completion of this matter in the way it should be completed.

Mr. Nelson:

Q. It is true, is it not, Mr. Cvetic, that you testified against a lawyer in this city by the name of Hymen Schlessinger?

A. Yes, sir.

Q. You swore out an information against him?

A. Yes, sir.

[fol. 1579] Q. You had him arrested? Right?

A. Yes, sir.

Q. He was handcuffed as he was going home, in a bus station, on your say-so; isn't that right?

Mr. Cercone: This is objected to.

The Court: The objection is sustained. We will not go into the details of how he was arrested or what the result of the information was. He testified he made the information and he testified against him.

Mr. Nelson:

Q. And he was thrown in the hole in the County Jail because of your swearing out that information against him?

The Court: Don't answer. That comes within the previous ruling and its's objectionable.

Exception noted.

Mr. Nelson:

Q. And is it true, Mr. Cvetic, that three Judges who heard the case threw it out; isn't that true?

Mr. Cercone: This is objected to.

[fol. 1580] The Court: The objection is sustained. The results of it will not be displayed here.

Exception noted.

Mr. Nelson: I want to show, your Honor, this man can get up and testify against anybody for money and that's what he is doing here, and I want to show, your Honor——

The Court: He's admitted that.

Mr. Nelson (continued): —that time and again he has been repudiated by Judges——

The Court: That doesn't say he is to be repudiated here. That's a matter for that jury to say, whether they will accept his testimony or repudiate it.

Mr. Nelson: Let the record show that three Judges ruled on that case and kicked it out.

The Court: We will not let the record show anything at all concerning that. The effect of his information, whether [fol. 1581] it resulted in anything or not——

Mr. Cercone: Your Honor, I regret having to stand up here all the time in trying to stop this defendant, but I think it is my duty to protect the witness and see that this defendant does not make speeches, that is my only purpose.

The Court: I'll do the best I can to protect the witness and protect your office as well, and also protect the defendant too.

Mr. Nelson:

Q. Who got you to testify against Mr. Schlessinger?

A. I swore out the information myself and I testified on the basis of my knowledge of Schlessinger's activities——

Q. You answer the question. Who else testified—who asked you to testify against Schlessinger?

A. Nobody.

Q. All right. Did Harry Alan Sherman ask you to testify against him?

A. No, sir.

Q. Are you sure?

A. I'm positive.

Q. You mean you undertook a step like that without consulting with your attorney, Mr. Cretic?

[fol. 1582] A. Mr. Nelson, I will any time in the interests of the security of this country take any steps that I deem necessary.

Q. Yes, I know, any time there's a little cash involved.

A. Mr. Nelson, I didn't collect anything on the Schlesinger case.

Q. But it will fit into your radio story, won't it; it will be another little notch in your gun if you should be able to frame him; wouldn't that be so?

Mr. Cercone: This is objected to, your Honor.

The Court: The objection is sustained. Whether he is framed or not, if you will eliminate that from your question we will permit it to be answered.

Mr. Nelson:

Q. Did Judge Musmanno ask you to have Hymen Schlesinger arrested?

A. No, sir.

Q. Are you sure?

A. I am positive.

Q. You know it was during the election campaign, Mr. Cvetic, don't you?

Mr. Cercone: This is objected to.

The Court: The objection is sustained. If you want to [fol. 1583] ask him when it was you may.

Mr. Nelson:

Q. When was that information you swore out against Schlesinger?

A. Oh, several months ago.

Q. What month was it?

A. I don't recall the month at the present time.

Q. Was it June or July 1951?

A. I wouldn't hazard a guess on a month.

Q. Well, would you say that's pretty close, that that was pretty close?

A. As I recall it was some time around there.

Q. Right. Right before the primaries when Judge Musmanno ran for the Supreme Court; isn't that right?

Mr. Cercone: This is objected to.

The Court: The objection is sustained. He has answered the question. It was last June or July, to the best of his knowledge and information.

Mr. Nelson:

Q. You waited all that time, you knew all about Hymen Schlesinger and you waited for a year and a half to have him arrested; is that right?

A. Apparently it is correct, yes.

[fol. 1584] Q. Apparently it is correct. What gave you the afterthought, Mr. Cvetic, after a year and a half, to swear out information that you knew way beforehand? Why did you wait?

A. Well, because I——

Q. You know somebody else cooked that up for you; you don't have it in your head to figure that out.

Mr. Cercone: Now, I object to this speech again.

The Court: No, that's not a speech. That's a question.

The Court:

Q. Did somebody else arrange it for you or suggest it to you?

A. No, sir.

Mr. Nelson:

Q. You testified this morning that you appeared in a case in the city of New Kensington; is that right?

A. Yes, sir.

Q. Against several men. Who were they? I mean what were their names?

A. Harry Truitt. I appeared there on Harry Truitt.

Q. You appeared against Harry Truitt?

A. That's right, and his activities.

Q. Who asked you to testify in that case?

[fol. 1585] A. The District Attorney from Westmoreland County.

Q. How much did they pay you?

Mr. Cercone: This is objected to, your Honor——

Mr. Nelson:

Q. Did you get paid?

A. Yes, they paid my expenses and a day's witness fees.

Q. They paid your fees and your expenses?

A. Yes, sir.

Q. And you testified against Truitt and Smith and Allen and several others in Greensburg—right?

A. I testified specifically on Truitt and his activities.

Q. And you testified in that trial that Harry Truitt had Communist associations; right?

A. Yes, sir.

Q. And that he was—you inferred that he was a Communist?

A. I didn't infer any such thing, or neither did I call him a Communist.

Q. You said he associated with Communists?

A. I said he met with and planned activities with Roy Hudson, the Communist Organizer for Western Pennsylvania, and other Communists for that district.

Q. And it was on the basis of your testimony, was it not, Mr. Cvetic, that those men were convicted?

[fol. 1586] Mr. Cercone: I object to that, your Honor.

Objection sustained.

Exception noted.

Mr. Nelson:

Q. And those men were sent to jail for three years, isn't that right, on the basis of your testimony, and the Supreme Court threw it out after they spent ten months in jail?

Mr. Cercone: I object to that.

Mr. Nelson:

Q. Isn't that true——

The Court: The objection is sustained. You needn't answer.

Exception noted.

Mr. Nelson:

Q. Do you see one of the men in the court room who spent ten months in jail as a result of your testimony?

Mr. Cercone: I object to that.
Objection sustained.
Exception noted.

[fol. 1587] Mr. Nelson:

Q. So it is true, is it not, Mr. Cvetic, that you testified in a case in which you told falsehoods and the men were convicted, innocent men were convicted, all their property lost, his business lost, spent ten months in the County Jail, and now finally the Courts reversed that trial?

Mr. Cercone: This is objected to.
The Court: The objection is sustained.

Mr. Nelson:

Q. (continued) And stated you had no business bringing in the Communist issue?

Mr. Cercone: This is objected to.
The Court: Objection sustained. Don't answer it.
Exception noted.

Mr. Nelson:

Q. How many pieces of silver did you get for that testimony?

Mr. Cercone: That is objected to.
Objection overruled.

[fol. 1588] The Court:

Q. Were you paid for testifying against Harry Truitt?
A. I so testified.
Q. Oh, you testified to that. That's repetition. Very well. You were paid one day's fee and expenses, was that it?
A. As far as I recall it was one day's fee and expenses.

Noon recess.

[fol. 1589] Wednesday, January 9, 1952.

Afternoon Session

MATTHEW CVETIC, resumes the stand for further cross-examination.

Mr. Nelson:

Q. Was any of the material that appeared in your motion picture, that you sold to Warner Brothers, based on information you sent to the F. B. I.; that is, was it based on reports you sent to the F. B. I.?

Mr. Cercone: That is objected to as being part of the record of the Federal Bureau of Investigation.

The Court: The question is general, and we will permit it to be asked.

A. No, sir.

Q. So that your last answer to my question, whether any of your—whether that story was based on any information, sent to the F. B. I., is "no"? Your answer is "no" to the question.

A. That wasn't the question you asked me.

The Court: Read the question.

(Question read.)

A. When I say "no", it wasn't based on the reports.

[fol. 1590] Q. At the last trial you were asked the question, "Well, those facts come from the reports you sent to the F. B. I., don't they?" "Some do." Was your answer. This time you said that none was based on the F. B. I. reports you sent in.

A. That is not the same question, Mr. Nelson. You didn't ask me the same thing.

Mr. Nelson: I submit that the question is clear, your Honor.

The Court: Well, read the question from the transcript again.

Mr. Nelson:

Q. "Well, those facts came from reports you sent to the F. B. I., don't they?" "Some do" was your answer. Were

you right then, were you telling the truth then, were you lying then, or are you lying now, Mr. Witness?

Mr. Cercone: That is objected to, your Honor.

The Court: Objection sustained to the form of the question.

The Court:

Q. Which is correct, what you said then, or what you said now?

A. Both answers are correct, your Honor.

[fol. 1591] Mr. Nelson:

Q. Both answers are correct?

A. Yes.

Q. That it is not based on F. B. I. reports, and it was based on F. B. I. reports?

A. You have two separate and distinct questions here.

Mr. Nelson: All right, let it stay there.

Mr. Nelson:

Q. What was the occasion for your break with Harry Allen Sherman? Was it over your split——

Mr. Cercone: That is objected to, your Honor.

The Court: Objection sustained.

Mr. Nelson: These two men swore out a warrant against me and I say that this has a bearing on this case.

Mr. Cercone: That is objected to, your Honor, as incompetent, immaterial, irrelevant and has nothing to do with this case.

Mr. Nelson: They have a racket together these two fellows. I want to show it up. A cheap racket.

[fol. 1592] Mr. Cercone: Your Honor, we object to these remarks. We object to these speeches this man is making. You have ruled on that several times.

Mr. Nelson: You called for it, Mr. Cercone. You are hooked up in this conspiracy with him, Musmanno and Sherman.

The Court: We will let you answer that question.

Mr. Cercone: We have looked up your activities for 25 years.

Mr. Nelson: I am not ashamed of my activities.

The Court: Let's proceed, gentlemen. Read the question to the witness.

(Question read.)

The Court:

Q. What caused your separation with Harry Allen Sherman? Have your relations been severed, and if so what caused the separation?

A. Should I answer that, your Honor?

Q. Yes, answer the question.

A. My associations with Harry Allen Sherman have not been severed.

[fol. 1593] Mr. Nelson:

Q. They have not been severed, is that your answer?

A. That is right.

Q. And how come he is suing you?

Mr. Cercone: That is objected to, your Honor.

The Court: Objection overruled.

Mr. Nelson:

Q. Well?

A. I have no knowledge that Harry Sherman is suing me. I have not been served with any papers. I have no knowledge of any suit.

Q. Is this newspaper stuff that we read last night, untrue?

Mr. Cercone: Your Honor, I object to any newspaper articles.

The Court: Objection overruled.

The Court:

Q. Apparently there was an item in one of the newspapers, indicating that Mr. Sherman sued you for something, and the defendant wants to know if that is not a severance of your relations with him. Your answer to that is that you do not know of that suit; is that correct?

A. I have not been served with any papers.

Q. Do you know of the article?

[fol. 1594] A. Yes sir, I do.

Q. Do you know the reason for the article?

A. There are some contractural differences and opinions.

Mr. Nelson: May I offer it as an exhibit, your Honor?

The Court: No. You have asked him about it and it is not for the jury. You can ask the witness about it, and show it to him, but it certainly is not a relevant exhibit in this case, Mr. Nelson.

Mr. Nelson:

Q. Well, did you see the story in the newspaper?

A. I testified that I did.

Q. Is it true, or untrue, the report in the story?

Mr. Cercone: I object to that, your Honor.

The Court: Objection overruled.

A. I testified I have not been served any papers of any suit.

Q. In other words, your answer is that you don't know whether or not Sherman is filing a suit against, over your deals that you had in the past, in connection with your ventures with Harry Allen Sherman?

A. I know of no law suit, anyway.

Q. How is that?

[fol. 1595] A. I know of no law suit. I have not been served with any papers.

Q. But it's true, isn't it, Mr. Witness, that it was Harry Allen Sherman who sponsored you, and tutored you, and trained you to make your performance like a trained seal at these various hearings; isn't that right?

Mr. Cercone: That is objected to, your Honor.

The Court: Objection sustained. Rephrase your question.

Mr. Nelson:

Q. Isn't it true that Harry Allen Sherman made a statement like that?

Mr. Cercone: That is objected to, if your Honor please.

Mr. Nelson:

Q. Isn't it true that he said you perform on the witness stand like a trained soldier. Isn't that true?

A. Did he make such a statement?

Q. Yes.

A. I don't recall of any such statement.

Q. Do you know of a statement by Sherman, in which he complained that Musmanno came along and stole Mr. Cvetic from him, after he had trained him so nicely——

[fol. 1596] Mr. Cercone: That is objected to.

Mr. Nelson: Why don't you wait until I finish my question?

The Court: Objection overruled. Read the question to the witness.

(Question read.)

Mr. Nelson:

Q. —to perform at various hearings and trials? Do you know of a statement like that by Sherman?

A. I know of no such statement.

Q. Is your relationship absolutely normal like it was with Sherman?

A. It is, so far as personally. I think Harry is a nice person. He fights Communism, he is a good American. My relations with him are all right.

Q. And he represents people in cases, that don't want to have Negroes to move to the North Side of the City of Pittsburgh; isn't that true?

Mr. Cercone: That is objected to, your Honor.

The Court: Objection sustained.

Mr. Nelson:

Q. Isn't it true that the Pittsburgh Courier condemned [fol. 1597] him for that?

Mr. Cercone: That is objected to.

The Court: Objection sustained.

Mr. Nelson:

Q. Isn't that true?

Mr. Cercone: That is objected to, your Honor.

The Court: Objection sustained.

Mr. Nelson:

Q. —as injecting racial bias in our City, isn't that true?

Mr. Cercone: That is another tactic of his Party.

The Court: Your remarks are not necessary either, Mr. Cercone.

Mr. Cercone: Your Honor, I would not have to make these remarks if he didn't ask those questions.

The Court: All you have to do is enter an objection and not answer him.

Mr. Cercone: Let it be understood when I make an objection that the jury will disregard the question.

[fol. 1598] The Court: The jury has been instructed to disregard any questions asked, that is, that objections are sustained to, and anything that is stricken from the record. The jury understands that.

Mr. Nelson:

Q. In addition to the case that you testified to this morning, that you appeared as a witness, you also testified against Mrs. Nuss, didn't you in the City of Pittsburgh?

A. I testified in a case, yes sir.

Q. That was a case involving a woman, you wanted to kick off the relief rolls; a woman with two children, isn't that a fact?

Mr. Cercone: That is objected to, if your Honor please.

The Court: Objection overruled.

A. May I have the question?

The Court:

Q. What did the Nuss case involve?

A. The Commonwealth subpoenaed me in the case. They wanted to remove her from the relief rolls because she was an active member of the Communist Party. I was simply subpoenaed to testify that I had attended Communist Party meetings with Antoinette Nuss. I had no personal interest [fol. 1599] in the case in so far as she was on relief, off relief. As a matter of fact, when I was working with her in the Communist Party, I didn't know whether she was on relief, or how she made her living.

Mr. Nelson:

Q. And how much were you paid for your testimony in the Nuss case?

Mr. Cercone: That is objected to.

The Court: Objection overruled.

A. So far as I can recall, I don't think I collected anything in that case. I have no recollection of collecting anything.

Q. Did you testify in the Nathan Albert case?

A. Yes, sir.

Q. Were you paid for that testimony?

A. I don't believe so.

Q. And did you testify in the Serbian Progressive Club case, of Wilmerding?

A. Yes, sir.

Q. Were you paid for your testimony in that case?

A. No, not as far as I recall.

Q. Huh?

Mr. Cercone: What case is that?

A. The Serbian Progressive Club. No, I didn't collect any fee.

Q. Were you paid for your testimony in the Paul Draper and Harry "Ladler"?

[fol. 1600] A. Adler, A-d-l-e-r.

Q. Adler?

A. Yes, a Communist entertainer.

Mr. Nelson: I move that that remark be stricken.

The Court: What, the word "Communist"?

Mr. Nelson: He don't have to characterize the person. I asked him if he testified in that case.

The Court: All right, we will strike his answer as unresponsive.

Mr. Nelson:

Q. All right, did you testify in that case?

A. Yes, sir.

Q. How much were you paid in that case?

A. I don't recall the amount of money, but I was paid a fee and expenses.

Q. How much was it?

A. I don't recall at this time.

Q. Was it $50.00?

A. I wouldn't hazard a guess.

Q. Was it $500.00?

A. No, I don't recall.

[fol. 1601] Q. You don't recall? You don't recall how much you got in an important case you testified in?

A. Well, it was a very important case, I presume, but I don't recall.

Q. In which you made a nice piece of change there but you forgot how much. How much did you get, Mr. Witness?

A. I don't recall.

Q. And how much did you get out of your testimony in the New Kensington case?

A. I testified this morning my expenses——

Q. How much?

A. $25.00, as I recall.

Q. How long were you on the stand?

A. A day.

Q. And how much were you paid for appearing against Miss Roth in Judge Musmanno's chambers, when you testified against her?

A. Nothing, as far as I recall.

Q. Did you appear in any cases involving union workers, where union workers were fired as a result of your testimony?

A. I appeared in cases, where Communists may have been fired. I testified in Washington about some 300, or so, Communists I met with in Western Pennsylvania. And I know the union members, when they found out they were Communists, booted a lot of them out.

Q. Did you make a speech at one time in Weirton, West Virginia, Mr. Witness, on behalf of the Weirton Steel Company, where the C.I.O. was conducting a union drive?

[fol. 1602] A. No, sir. I made a speech because Americanism Day was being celebrated there, and I was invited by the City of Weirton to make a speech.

Q. It was the Steel company, wasn't it, Mr. Cvetic, that organized that day and they called it "Americanism Day",

where you made a speech, by you timing it, by your bosses timing it, at the time when the C.I.O. was conducting a drive, and the election, by the C.I.O., was lost by a small margin; isn't that true?

A. I don't know it to be true. I know that anybody that is for Americanism, I am for them.

Q. All right. You just answered you don't know. How much did you get for that 4th of July Speech you made over there?

A. I believe it was $200.00.

Q. $200.00?

A. Yes.

Q. I know a lot of people that would wave a flag for that much money.

The Court: Strike the remark.

Mr. Nelson:

Q. Who paid you the money?

A. At the present time I don't recall. I don't recall who paid it the date.

Q. What is your best recollection?

A. I don't recall at all.

[fol. 1603] Q. Would Mr. Sherman know?

A. No. I mean, the money was paid to me, and I don't recall what committee it was.

Q. Did you get a check or cash money?

A. As far as I recall, it was a check.

Q. You don't recall who wrote the check out?

A. No.

Q. It is true, is it not Mr. Cvetic, that you fingered certain active union workers in Local 237 on behalf of the William Penn Hotel Manager's interest, isn't that true?

A. That is not true.

Q. It's true, is it not, that as a result of your fingering, Mr. Troy was able to disrupt the affairs of that local union, just when the contract was to be signed; isn't that true, Mr. Witness?

Mr. Cercone: That is objected to, if your Honor please.

Mr. Nelson: I want to show he is going far afield.

The Court: All right, if you want me to rule on it, address

your remarks to me. Objection overruled. Answer the question.

(Question read.)

[fol. 1604] A. I don't know anything about the affairs of that union, I am not a member of it. I knew the affairs of the Communist Party members, who were working in Local 237, because I attended meetings of that particular section of the Communist Party, that dealt with infiltrating the food industry and the hotel workers union.

Mr. Nelson: I move that the characterization be stricken, your Honor.

The Court: Motion refused.

Mr. Nelson:

Q. Well, are you saying that the Communist Party was infiltrating the hotel industry, because it was of such great national importance, and from a point of view, national defense?

A. The Communist Party——

Q. Answer the question, yes or no?

A. Yes, sir.

Q. And you testified, didn't you, or you fingered a number of workers—steel workers—in Etna, at the Isabella Furnace, didn't you, working at the Isabella Furnace?

A. I testified on a number of workers, who were——

Q. Answer yes or no. The question is dealing with the Etna Isabella Furnace.

The Court: Well, take out the word "fingering". Now, [fol. 1605] if you want to use something else definite than that, we will permit him to answer the question.

Mr. Nelson: Well, if you can dignify it by any other name, all right. That is a tool of his trade.

The Court: Well, that remark will be stricken as well.

The Court:

Q. Did you identify anybody in connection with the Isabella Furnaces in Etna?

A. Yes, sir.

Mr. Nelson:

Q. It is true, isn't it, that you fingered a man who worked there—a Negro worker who worked there 27 years in that plant, and had a son in the Army, and he was fired as a result of your testimony; isn't that true?

Mr. Cercone: That is objected to.

The Court: Objection sustained. We are not going to concern ourselves with whom he identified. He says he did, and beyond that you may not go.

Mr. Nelson: Well, your Honor, I want to show that this [fol. 1606] man is a labor spy.

Mr. Cercone: That is what he says.

Mr. Nelson: He is being used by employers to disrupt unions.

The Court: That is your purpose in asking these questions, and I am permitting you to go to a certain extent; but, not beyond that extent.

Mr. Nelson: All right.

Mr. Nelson:

Q. And you appeared at a hearing, involving a glass worker who worked for forty years—and a veteran of the first World War—in the glass plant, on the basis of your testimony the man was fired from the plant; that is true, isn't it, Mr. Witness?

Mr. Cercone: The same objection.

The Court: There is the same objection on that, Mr. Nelson.

Mr. Nelson: I ask did he or did he not appear against this man.

The Court: You add so much to your question identifying [fol. 1607] him that you might as well name him. If you want to say a man in the glass industry, or a certain glass plant, you may do so.

Mr. Nelson: I think the question is clear, your Honor.

The Court: It is too clear, and that is the objection. The objection is sustained. Rephrase your question.

Q. Did you testify against anyone working in the glass industry?

A. Yes, sir.

Q. And where was that?

A. A hearing conducted at the William Penn Hotel

Q. At the William Penn Hotel?

A. Yes sir, and at the committee on un-American Activities.

Q. And how much did you get paid for getting that man fired, after he had worked there for forty years?

Mr. Cercone: That is objected to, your Honor.

The Court: The last part of the question will be stricken as objectionable.

Mr. Nelson:

Q. How much were you paid?

[fol. 1608] A. $25.00.

Q. $25.00 a head?

The Court: No, he said $25.00 for testifying against that man.

Mr. Nelson: All right, thank you.

Mr. Nelson:

Q. How many workers in other industries did you testify against, around this area here?

A. Well, I testified against three Communists at the Crucible——

Q. Where?

A. At the steel workers local of the Crucible. The Crucible Steel Company invited me to testify on Communists in their union.

Q. And it was on the basis of your testimony——

Mr. Cercone: The witness has not finished his answer.

A. I just wanted to point out, your Honor, that I was invited by the union to testify against Communist activities at the Crucible Steel local.

Mr. Nelson:

Q. Well, Mr. Witness, isn't it true that employers will call any workers Communists when they want to disrupt a

union; they can fire a stool pigeon anytime they want to call him names, isn't that true?

[fol. 1609] Mr. Cercone: That is objected to.

The Court: Objection sustained.

Mr. Nelson:

Q. And as you admitted on the witness stand, that you lie for money, people are fired because they believe you, because they think that you are telling the truth when you are not, isn't that true?

Mr. Cercone: That is objected to, your Honor.

The Court: Objection sustained as argumentative.

Mr. Nelson:

Q. You testified yesterday, while you were a member of the Communist Party, that you were active with the Slovine group, is that right?

A. Yes, sir.

Q. Did you recruit any of those Slovine workers, you are talking about, into the Communist Party while you were a member?

A. Not to the best of my recollection.

Q. What specific work did you do and carry on amongst the Slovines, while a member of the Communist Party?

A. The biggest job I had as representative of the Slovine Bureau of the Communist Party, was to go to meetings of the Slovine American National Council, of which I was a [fol. 1640] member, and at that particular Council uphold Communist Party lines.

Q. Did you have any particular friends amongst the Slovines you worked with as a Communist at that time?

A. Well, I—if you use the word "friends" it is not absolutely correct. I worked with many Communists in the Slovine Bureau, and the question of friends does not enter into it because, to me, anybody who works against the freedom and independence we have in this Country is no friend of mine.

Q. And it's true, isn't it Mr. Cvetic, that you testified at hearings against some of these people you worked with at that time, of your own nationality?

A. Yes, sir.

Q. Who were they?

A. Well, I mentioned——

Q. Well, I mean did you testify against any of them in deportation hearings?

A. Not any Slovinians, I don't think.

Q. Were any of these people persecuted as a result of your fingering?

Mr. Cercone: That is objected to, your Honor.

The Court: Prosecuted, if you want to make it that way we will permit the question to be answered.

[fol. 1611] A. Prosecuted?

Q. Yes.

A. Not of that group as far as I recall.

Q. You testified here yesterday that you were branch organizer of several branches, including at one time or another the Lawrenceville branch; is that right?

A. Yes, sir.

Q. When you were in Washington, D. C., did you report that fact that you were chairman, or organizer of that branch in Lawrenceville, when you testified before the Un-American Activities Committee?

A. Yes, as far as I recall.

Q. I don't recall whether you testified yesterday or not, that you were a member of the District Committee of the Party?

A. I testified, not on that particular thing here yesterday.

Q. Were you a member of the District Committee?

A. I was a member—I was District—what we refer to in the Party as District functionary, and I didn't——

Q. I am asking you another question. Were you a member of the District Committee?

A. I was an ex-officio member of the District Committee.

Q. Were you ever elected to the District Committee at a convention?

A. Not as far as I recall, no sir.

Q. And you were not a member of the District Committee, isn't that true?

A. Ex-officio, I was.

Q. And yet, when you reported before the Un-American

[fol. 1612] Committee, you stated that you were a member of the District Committee, isn't that true?

A. That is right.

Q. Was that because you expected to get a little increase in pay that you told them you were up a higher ladder, or something?

Mr. Cercone: That is objected to.

The Court: Objection overruled.

A. I simply testified to the truth. I attended the District Committee meetings, usually on the invitation of the District organizer, or the secretary, who, in both cases were Roy Hudson, Steve Nelson, Bill Albertson, or one of the other leaders of the Party.

Q. I am asking you a simple question, to which I want to have a yes or no answer. Were you ever elected to the District Committee of the Communist Party? Yes or no?

A. I already answered that question.

The Court: The answer is no. Answer it again.

A. No.

Mr. Nelson:

Q. The answer is no?

A. No.

Q. Is that what you reported to the F. B. I.?

[fol. 1613] A. (No response.)

Q. Isn't it true, Mr. Cvetic, that you reported to the F. B. I. that you were a member of the District Committee, yet here on the stand you stated here you were not ever elected to the District Committee?

A. I am not going to tell you what I reported to the F. B. I. That's none of your business.

Q. Well, while you were branch organizer of the Lawrenceville branch, do you recall testifying that amongst other duties, or work that was done by you in that branch, was distributing leaflets?

A. Yes, sir.

Q. Do you recall testifying that you put out leaflets through that branch entitled "Free The Trenton Six"?

A. I don't recall testifying to that in this case.

Q. You did in previous cases. The question was put to you as follows: "Will you point out the various documents and subject matter set forth in the memorandum which were discussed in Communist Party meetings, which you attended?" And you answered, "Well, I know here we used this Ingram case, the Trenton Six, and other such cases." Do you remember that answer,

A. I believe there was more to the answer, wasn't there?

Q. "We selected cases," you said, "to build around the defense of the case of the Communists, and so forth." I asked you if you remember that?

A. Yes, I testified that we used the Ingram case and the [fol. 1614] Trenton Six case amongst many other cases, because according to the instructions we had that these were——

Mr. Nelson:

Q. —the testimony that you gave out jobs to Negroes——

Mr. Reporter: Mr. Nelson, I missed the first part of your question.

The Court: You will have to wait until the witness finishes, before you ask him another question. The reporter can only get one at a time. Read the answer so far as it was given.

(Answer read.)

A. —that we were to choose cases, which were best given to propaganda and tie around those—use those cases to tie them around the defense of the Communist leaders.

Q. But Mr. Witness, there was no question of defense of Communist leaders when you joined the Communist Party, was there, during the Roosevelt period, was there?

Mr. Cercone: That is objected to.

Q. Was there?

Mr. Cercone: Just a minute.

The Court: Objection overruled.

[fol. 1615] A. No, sir.

Q. Well, what issue did you find then to busy yourself with?

A. Most of the issues we had then, that we were told to agitate for a second front; that was one of the big issues when I first got into this business.

Q. Yes.

A. To try to recruit as many workers into the Party as we could.

Q. Yes.

A. And the primary issue was to try to build the Soviet myth; to talk about the glorious Red Army; and stuff like that.

Q. Well, do you recall what General MacArthur said about the Red Army at that time, since you raised the subject?

A. I don't recall.

Q. You don't recall? You don't remember his saying that the fate of civilization rests on the bayonets of the Red Army at this time; you don't remember that?

A. I do not.

Q. You don't? You don't remember that?

A. No.

Q. I am sure you don't. You can't retain that much.

A. I think he found out since that he was wrong.

Mr. Nelson: May we approach the bench, your Honor?

The Court: Come forward.

[fol. 1616] (At side bar.)

Mr. Nelson: If your Honor please, I have a request that I would like to make, if the Court please. I ask that we have a few breaks because I am not well and I have a hard time taking this straight, and I would appreciate if the Court would at least, every hour, take a little recess of ten minutes.

The Court: If that is necessary, we will take ten minutes.

Mr. Nelson: I am then going on with the case. I have a headache right now.

(End side bar.)

(Recess.)

After Recess

MATTHEW CVETIC resumed the stand and testified as follows:

Mr. Nelson:

Q. While you were branch chairman of the Lawrenceville branch, did you, or did you not participate in any election campaign in the course of the time that you were connected [fol. 1617] with that *you were connected with that* branch?

A. Yes.

Q. City elections, State elections?

A. Principally, I recall the Presidential election of 1948.

Q. Do you recall whether or not you sent any reports to the F. B. I. of material that was distributed at that time through the branch? What I mean, material, I mean leaflets and pamphlets and newspapers that were being distributed to the public in general. Do you recall sending any reports to the F. B. I.?

A. I reported to the F. B. I. on Communist activities.

Q. Did you send copies of literature to them?

A. Sometimes.

Q. Well, why didn't you send it in at all times?

A. Well, if it was something of the Communist Party, or if anything that was distributed by the Communist Party, I sent it.

Q. You sent it?

A. Yes, sir.

Q. Well, here I show you the election platform of the Communist Party in 1948—the election which you mentioned—do you recall seeing that?

A. I don't recall this particular pamphlet, but I probably did see it.

Mr. Cercone: I would like to have an offer at side bar, if your Honor please.

The Court: All right, come forward.

[fol. 1618] (At side bar.)

The Court: What do you offer to prove by this, Mr. Nelson?

Mr. Nelson: I want to show that the Communist Party participated in election campaigns; that it had a program

dealing with the immediate issues, and supported by the Communist Party, and I want to know whether this witness distributed any of that literature to the people, where, and so forth:

Mr. Cercone: I do not believe it comes within the scope of the issue of the case.

The Court: He wants to show that this witness participated in the election campaign and circulated these pamphlets. That is to offset the effect, I suppose, of some of the literature that has already been offered.

Mr. Cercone: Unless it controverts the issue of the case, otherwise we could go on indefinitely.

The Court: We are going to let you do that. The objection is overruled. You may have him identify the pamphlet, but we are not going to allow you to read the whole thing into the record. You may offer that now, and at a later [fol. 1619] time you may offer additional literature in your defense. I don't believe, under cross-examination of this witness, that you could — too far afield. The objection is overruled. Proceed.

(End side bar.)

Mr. Nelson:

Q. Now, while you were branch organizer of the Lawrenceville branch, did the branch distribute this leaflet, or this pamphlet, the 1948 campaign, Exhibit D?

A. I don't recall that particular pamphlet.

Q. Well, do you suppose that a branch of the Communist Party would have stayed out of the election campaign and not have distributed its platform?

Mr. Cercone: That is objected to.

The Court: Objection sustained.

Mr. Nelson:

Q. You don't recall reading this pamphlet?

A. At this time, not that particular pamphlet.

Q. Now, I show you a leaflet put out in 1947——

The Court: Do you want it marked as an exhibit?

[fol. 1620] Mr. Nelson: Yes, your Honor.

(Exhibit marked.)

Mr. Nelson:

Q. "Workers Defend your Union," and now I show you this Exhibit E, and ask you do you recognize this pamphlet called "Workers Defend your Union"?

A. I don't recall this particular pamphlet.

Q. That was put out during the fight to repeal the Taft-Hartley law?

A. I don't recall.

Q. You don't recall that pamphlet either?

A. No.

Q. You didn't send copies of this pamphlet by William Z. Foster to the F. B. I., did you?

A. I don't recall.

Q. I show you a pamphlet called "Tax Relief for Whom?" put out in 1947, while you were branch organizer in the Lawrenceville District, and ask you if you recognize that pamphlet? As you see that pamphlet deals with the question of the tax issue in Congress at the time, and the pamphlet puts forth the point of view that the corporations should be taxed.

The Court: We don't want you to tell the contents of it.

A. I don't recall that.

[fol. 1621] Mr. Nelson:

Q. You don't recall that either?

A. No.

Q. Did you send a copy of this to the F. B. I.?

A. I don't recall.

Q. Well, is the reason you don't recall, the passage of time, and you can't recollect?

A. No, but there were so many pamphlets involved that I sometimes can't——

Q. Well, I just wanted to see whether you could identify a few; to see how good your memory is.

(Exhibit G marked.)

Mr. Nelson:

Q. Do you recall a leaflet called "Will This Cost Him This?" with a cartoon on the front page, dealing with the matter of rights of Negroes to vote?

Mr. Cercone: That is objected to, your Honor, what it deals with.

Mr. Nelson: Well, the people would have to see the cartoon to see what it is.

The Court: Well, you are asking him to identify it. He can look at it rather than explain it.

[fol. 1622] Mr. Nelson:

Q. Do you recall that pamphlet, or leaflet?

A. Yes, sir.

Q. You do recall that?

A. Right.

Q. This leaflet deals with the questions of a Negro soldier; right?

Mr. Cercone: Your Honor, I object to the form of the question.

The Court: Objection sustained. If you want to offer it in evidence, we will consider the offer, and after it is in evidence then, it may be explained. If you want to offer that in evidence, all right.

Mr. Nelson: Yes, your Honor, I do.

The Court: All right, let me see it. Any objection, Mr. Cercone?

Mr. Cercone: We object, your Honor, on the ground of the immateriality. It does not controvert the issues of the case.

The Court: Oh, I think we are concerned with all types of literature. The objection is overruled. The offer will [fol. 1623] be received as throwing light on the intent of the handler of literature.

Mr. Nelson:

Q. Then, you do recall this leaflet? Did you send a copy of this to the F. B. I.?

A. That, I don't recall.

Q. Do you recall seeing, on page 2 of this leaflet, a photographic story from the New York Times, dealing with the question wherein a——

Mr. Cercone: I object to the discussion of the article.

The Court: Well, he has identified it and has seen it and

is familiar with the pamphlet and handled it when he was there. If you want to direct the jury's attention to it, it is in evidence Mr. Nelson, and you may do so by passing it through the jury box, if you wish. They may look at it.

Mr. Nelson: So the record will be clear, this leaflet deals with the interference——

Mr. Cerrone: Now, your Honor, I object to his discussion of it.

[fol. 1624] The Court: Well, you read excerpts from articles. He may direct the attention of the jury to particular parts of it, the writing on it, rather than an explanation of it by the defendant.

The Court: What is the heading of the New York Times article?

Mr. Nelson: "Negro voter says gang clubbed him." "South Carolina minister told Justice Department police failed to give him protection." And then on the next page, "President Truman can prevent this with a stroke of his pen," and "you can help prevent this with two strokes of your pen." And then it calls on all citizens to write to President Truman to see to it that a law is passed protecting Negro people in the South, and give them full rights to vote.

Mr. Nelson:

Q. Is that what you saw in this leaflet, Mr. Witness?

A. Yes, and it was put out by the Civil Rights Congress.

Q. And was distributed by the Communist Party branches?

A. Yes.

[fol. 1625] Q. And anybody else who was interested?

A. Yes, and the Civil Rights Congress.

Mr. Nelson: May I show this to the jury, your Honor?

The Court: Yes, you may pass it through the jury. You needn't wait until they are through. You may proceed.

Mr. Nelson: I don't mind if I do, your Honor; I am tired and I am not well.

The Court: We have just resumed.

Mr. Nelson: Yes, I know. All right; while the jury is looking that leaflet over, will you mark this as an exhibit?

(Exhibit H marked.)

Mr. Nelson:

Q. Now, I show you Exhibit H. Do you recall seeing this leaflet while you were a member of the Lawrenceville branch?

A. I don't recall this particular one. This is the Hill District of the Communist Party. I don't recall it.

Q. You don't recall it?

A. (No response.)

Q. I show you now Exhibit I, a four page leaflet, issued by the Communist Party of Western Pennsylvania, 426 [fol. 1626] Bakewell Building, with the title "United Labor Will Win," dealing with the strike of the United Mine Workers, and calling upon the people to support the strike. Do you remember that leaflet being distributed by your branch, or not?

A. I don't recall this one.

Q. You don't recall that?

A. (No response.)

Q. I show you now Exhibit J, a 16 page pamphlet, "The Coal Miner and You," and ask you do you recall distributing that pamphlet through the branch, while you were branch organizer?

A. I don't recall this pamphlet.

Q. I show you Exhibit K, a mimeographed piece of material, called "The Steel Sparks," put out in 1949. Do you recall distributing that through your branch? If you didn't see that particular one, do you recall seeing other issues under the same title?

A. I am just trying to read it to be sure.

Q. I am not quibbling over the particular date on the issue. I want to see whether you have seen similar issues?

A. I have seen similar issues. They were put out, as far as I can recall, by the J & L group of the Communist Party.

Q. You don't recall this particular one?

A. I remember the title, but not that particular one.

Q. Now, I show you Exhibit L, the same exhibit mimeographed material, six pages, called "Steel Sparks." This is the May issue, 1949. Do you recall this particular one? [fol. 1627] A. I would say that by title, the Steel Sparks, I know to be put out by the Communist Party.

Q. And——

A. But not that particular one.

Q. And how often did you participate in distributing these to the steel workers in your area, which took in the Crucible plants?

A. These were distributed, so far as I recall, by the Communist working at the J & L plant, South Side.

Q. Weren't any distributed at Crucible?

A. If they were, it was part of the Steel Commission of the Communist Party, whose responsibility it was.

Q. They put out this secret piece of material, so it had to be done by someone special?

A. I simply said it was not part of my responsibility.

Q. While you were a member and branch organizer of the Lawrenceville branch, there was a strike of the steel workers. Do you recall leaflets called "Support the Steel Workers Strike," issued by the Communist Party of Pittsburgh, 425 Bakewell Building? I show you this exhibit, Exhibit M, and ask you if you saw it?

A. I recall this, or a similar leaflet, that I distributed at a couple of the plants for the Communists and some of the workers spit at me when I distributed them.

Q. I asked you whether you had distributed the leaflets?

A. I recall it, yes.

Q. Well, do you recall that the leaflets called upon the workers to support the strike, irrespective of what union [fol. 1628] they belonged to?

A. I don't recall.

Q. All A. F. of L. workers, to support the steel union?

A. I don't recall all the contents.

Q. All right. I show you Exhibit N., "Make the Veto Stick," dealing with the calling upon President Truman to——

Mr. Cercone: Now, that is objected to.

The Court: All right.

The Court:

Q. Without explaining the contents, did you ever see the pamphlet, "Make the Veto Stick"?

A. I don't recall this particular pamphlet, but I think I recall some pamphlet, dealing with some of that.

Mr. Nelson:

Q. I show you Exhibit O, called "23 Questions About the Communist Party" written by William Z. Foster; these 23 questions were put to the chairman of the Communist Party by the correspondent of the New York Herald Tribune? Do you recall distributing that pamphlet to the branch while you were organizer of the branch?

A. Yes sir, I recall distributing this.

Q. Then do you recall, since it was in the 1948 period that this was put out, while you were still in that branch, do you recall distributing this pamphlet to the people in that area?

A. I distributed it to the branch members in the Law- [fol. 1629] renceville club of the Communist Party.

Q. Did the club distribute it to anybody else?

A. I presume they did, I don't know.

Q. Now, I show you Exhibit P, "The Third Party and the 1948 Elections, by Eugene Dennis. Do you recall seeing that pamphlet, distributing it?

A. Yes, sir.

Mr. Nelson: Is it your ruling, your Honor, that I can't read any of these excerpts of this pamphlet? I didn't understand your ruling.

The Court: No, I make the same ruling in connection with those as I made with the Commonwealth's Exhibits, to certain excerpts from which you want to emphasize to the jury, you may read them, but I am not going to permit the reading of whole books or pamphlets.

Mr. Nelson: Anything relating to the issue in the case?

The Court: Yes, anything relating to the issues in the case, of course, you may read, if it shows any light on the defense you, of course, may use it. Of course, the issues [fol. 1630] in the case is the interpretation of all these

things. If it throws any light on the defense, you may use it, of course, the same as the Commonwealth used other publications.

Mr. Nelson:

Q. Well, do you recall that in this pamphlet, Exhibit P, Mr. Dennis deals with—beginning on page 7—deals with the increased danger of fascism in war in the United States, and throughout the world. Do you recall reading that?

A. I don't recall the contents of the pamphlet.

Q. Do you recall a chapter in which he says, "Monopoly capitalists are rushing the country to war?"

The Court: You needn't ask the witness that. He said he does not know the contents. The book is offered in evidence, Mr. Nelson, and you may direct the jury's attention to the various chapters, if you wish.

Mr. Nelson: I offer this pamphlet, your Honor, as evidence and call the attention of the jury that this pamphlet deals with issues facing the American people, and that it calls on the American people to resolve these issues [fol. 1631] into——

Mr. Cercone: Your Honor, this is his interpretation.

The Court: Read the——

Mr. Nelson: Just one sentence, your Honor.

The Court: We don't want your interpretation. It is all right if you take the stand and want to read excerpts there, but, at this time since it is cross-examination, I would just direct the jury's attention to the headings of it.

Mr. Nelson: I see. In that case, I ask that it be passed among the jurors and——

The Court: All right.

Mr. Nelson: And that they look over the headings, which indicate clearly that the Communist Party in 1948——

Mr. Cercone: I object to that.

The Court: In other words, it will speak for itself, Mr. Nelson. Let the jury examine the headings for themselves [fol. 1632] without explanation at this time. It was one of the booklets distributed at the Lawrenceville branch of the Party by this witness.

Q. I show you Exhibit Q, a 20 page pamphlet, with a heading entitled, "The Struggle Against White Chauvinism," do you recall distributing that through the Lawrenceville branch?

A. No, sir.

Q. Well, are you familiar with the phrase on the top of the pamphlet, "The Struggle Against White Chauvinism," what does that mean?

A. The phrase is used in the Communist Party to influence the Negro people that the Communist Party is fighting for Negro rights, and——

Q. Well, Mr. Witness, isn't it true that you haven't come close to an answer because even though you're under oath, you are twisting things around? Isn't it true that the real meaning of the words is that——

The Witness: Your Honor, I haven't finished my answer.

The Court: The witness states that he was not finished. Do you want him to answer further or do you want him to answer this next question?

[fol. 1633] Mr. Cercone: I think he should finish.

Mr. Nelson: I think he ought to answer the question I put to him and not make any elaborations, your Honor. I asked for an opinion.

The Court: Well then, you want to ask him then whether it does not have another meaning.

Mr. Nelson: That is right.

The Court: Well, ask the question.

Mr. Nelson:

Q. Isn't it true that the meaning of the phrase "white chauvinism and need of struggle against it," as understood in the Communist Party, is to combat the superiority feelings that often exist amongst white people against a people of other groups, isn't that true?

A. Ostensibly that is it.

Q. But that is not what you said when I asked you the question. Is it your purpose to give any kind of answer that will fit Mr. Cercone's case, or is it your intention to tell the truth on the stand?

The Court: That is not a proper question.

[fol. 1634] Mr. Cerecone: Do you want to explain that term?

A. I was trying to explain that term.

Mr. Cerecone:

Q. Well, explain it.

A. May I have the first part of my answer read, please?

(Answer read.)

A. —And if the Party holds up anybody on charges of white chauvinism, it is usually because they have not been able to influence too many negroes in their particular community. For example, like we had trouble in Pittsburgh to get Negroes in the Party because they were not fooled by Commie double talk. Somebody would get called up and get bawled out about it.

Mr. Nelson:

Q. So that is your definition of the term?

A. That is the definition as I knew it to be.

Q. Now, in your testimony yesterday you stated here that there was a discussion between myself, and George Wuchinick and Milo Mamula, concerning the use of machine guns against somebody in Washington, D. C., did you not?

A. Milo Mamula was not present at that.

Q. Well, all right. He was not present.

A. No, sir.

[fol. 1635] Q. Now, you testified to that on the stand yesterday that there were such people who talked about the necessity of using machine guns to mow down congressmen; that was the interpretation or meaning behind the words; isn't that right?

A. That was not the meaning, that is exactly what was said.

Q. When you went to testify before the Un-American Committee about a year and a half or two years ago, did you forget to tell that to the Congressmen, that there were people in the Communist Party discussing such things as that?

A. I don't recall whether I included that. There was a lot of things I did not include in my testimony.

Q. I see. Such things as using machine guns was not important then, but it is important in this case now, isn't it Mr. Cvetic?

A. Will you let me finish my answer?

The Witness: Your Honor, I would like to finish.

The Court: All right.

A. And there are many things I testified to in executive session, about which the Congressional Committee, probably, for reasons of security, did not bring them out in public.

Mr. Nelson:

Q. And they waited a year and a half for you to release the story in this Court room, didn't they?

A. No sir, I testified about this before.

[fol. 1636] Q. So the same combination of people that you are working with, Harry Allen Sherman, Judge Musmanno, you cooked this up, didn't you, Mr. Cvetic, and you felt that is one thing that is going to be believed of you because it would be difficult to find the other people who you mentioned who can't possibly come here and testify in this case, isn't that right?

(Question read.)

A. No. What I testified to on this particular event is true. We were in this American Slav Communist office; you came in; the conversation did take place.

Q. And did you report this conversation to the F.B.I.?

A. You bet I did.

Q. And what action did the F.B.I. take two years ago?

A. I can't speak for the F.B.I.

Q. Wasn't the information available to the Attorney General, the Department of Justice?

A. You will have to ask them, I don't know.

Q. Are you sure they believed you, half the stuff you sent them in, are you?

Mr. Greene: Your Honor, I object to that.

The Court: Objection sustained.

Mr. Nelson:

Q. It is true, isn't it that the Attorney General had this information that you withheld two years?

[fol. 1637] Mr. Cercone: That is objected to as repetitious.

The Court: Objection overruled.

A. I can't speak——

Mr. Nelson:

Q. That he took no action on this so-called evidence that you had about the malicious intent on the part of some people, including myself?

A. I can't speak for the Attorney General.

Q. While you were active, as branch organizer of the Lawrenceville branch, do you recall testifying that the branch, and the Communist Party in this area, was active and called for the election of a Negro to Congress in the City of Pittsburgh?

A. Yes, sir, we had such a campaign.

Q. And there were other people that were active in that campaign beside Communists, isn't that right?

A. It is possible. I don't recall the entire candidate.

Q. You don't recall that there was a citizens' committee set up to get a Negro nominated on the Democratic ticket to run for Congress; do you recall or not?

A. There may have been, but as far as I recall I was not active in it.

Q. You don't recall about whom the discussion was at [fol. 1638] that time, as to who might be a possible candidate for such a post?

A. I know there were some discussions in the office, but I don't recall what they were.

Q. You don't recall any names?

A. I don't at the present time.

Q. Did you testify before, or did you not, that there was an active campaign pushing the Communist members in local unions, urging them to adopt resolutions favoring FEPC?

A. I know the Communists had such a program.

Q. And did you carry any of that program out as a member and leader of that branch at that time; do you recall?

A. Yes, I recall.

Q. Do you recall a campaign in the City of Pittsburgh, headed by a citizens committee, for the purpose of getting City and County government to employ negroes in more prominent jobs, other than the menial job that they have now?

A. That particular campaign, I don't recall.

Q. Now, at the meeting you spoke about yesterday, at which you said I was introduced in this district on the North Side Carnegie Hall—Library Hall, when was that meeting held?

A. So far as I recall it was either in July or August, '48.

Q. July or August of 1948?

A. Yes, sir.

Q. Was it a one day meeting, or a night meeting?

A. It was, as far as I recall, it was a two day session, and [fol. 1639] we may have met on Friday evening, too, but I know it was a two day session.

Q. How many people were there?

A. Oh, I am being approximate, approximately 125, 130.

Q. 125 or 130?

A. I am being approximate.

Q. That is on the North Side, Federal Street and Ohio Street, right? In the Carnegie Hall?

A. In the lecture room of the Carnegie Library.

Q. And was that a secret meeting?

A. Yes, sir.

Q. You mean 125 people walked into a hall, through some underground catacombs?

A. No, but the meeting room was only open to members of the Communist Party who were sent there by their branches, Party cells, clubs.

Q. Well, when you go to a union meeting, don't you have to show a card, if you got a card, that you are a union member?

A. Yes, I said the meeting was closed to anybody but members of the Communist Party.

Q. So it was a membership meeting, or a conference of the Communist Party, but it was not necessarily a secret conference, was it?

A. Yes, it was. It was a conference of Communist Party functionaries in this district.

Q. Well, when the American Legion has a post meeting, and they have a sergeant of arms standing at the door, and permit no one but members into the meeting, is that a secret meeting?

[fol. 1640] A. I'm not a member of the American Legion. I don't know what their——

Q. What are you a member of?

A. I don't know how they conduct their meetings.

Q. What organizations do you belong to Mr. Cvetic? Can you name a few?

A. I am not a joiner.

Q. You are either going to answer my question, which could be yes or no, or I am going to pursue this until you give me the kind of answer that I think you ought to give.

Mr. Cercone: Your Honor, I object.

The Court: He said he is not a joiner, and that means——

Mr. Nelson:

Q. Do you belong to any organization at all, at the present time?

A. I belong to the Knights of St. George.

Q. And do you belong to a union?

A. Not at the present time.

Q. When you were a member of a union, could anybody come into the union meeting, who wasn't a member, at any time?

A. Yes. I've attended union meetings and I was not a member.

Q. But, ordinarily union meetings are held and members are allowed only, unless it's a public meeting where they have issues that the general public is interested in; isn't that true?

[fol. 1641] A. Yes, that is true. When a union has their usual business to discuss, they probably don't invite outsiders, and the same way with Communist Party members.

Q. All right. When they don't invite outsiders is that a secret meeting?

A. Yes, sir.

Q. Isn't that a membership meeting and not necessarily secret? Anybody knows there is a meeting in that hall, but they are not permitted to come in unless they are members; isn't that true?

A. Yes, and the Communist Party——

Q. Well then——

Mr. Cercone: Let him finish his answer.

Mr. Nelson: Well, he said yes. I don't want him to make a speech. I want him to give a yes or no answer.

Mr. Cercone: Well, let him answer.

The Court: Well, can't we get around this by distinguishing between public and private meetings, rather than using the word "secret".

Mr. Nelson: Because here the prosecution, your Honor, has brought in and implied that it was a secret organization. [fol. 1642] The Court: Ask the witness if he means by the word "secret," private?

The Court:

Q. Is that what you mean, Mr. Cvetic?

A. I am referring to secret meetings. For example, special steps were taken to keep out any but Communist Party members, and also the Party was always conscious of the fact that their walls may be wired. Some of the nature of the business that was being discussed—always conscious of this. Always worrying about F.B.I. spies who were working for the government, getting in—that was the principle reason—and, as a matter of fact, for these security reasons; and two or three years before I left the Party, the Party apparatus leadership was cut down.

Mr. Nelson:

Q. Are you through?

A. (No response.)

Q. Well, is your answer yes or no to the question?

A. (No response.)

Q. Answer the question, Mr. Witness.

A. Let me have the question, please.

The Court:

Q. Was it a secret meeting?

A. Yes, I said that three times.

Q. And was a union meeting a secret meeting, which did not allow outsiders to come in?

[fol. 1643] A. I would consider a membership meeting was open only to membership.

Q. We understand the distinction. We know membership meetings, but a secret meeting, wouldn't that be something that would be hidden from the public?

Mr. Cercone: Your Honor, this is all a matter of argument.

The Court: I think we have analyzed it enough. You are getting into the argumentative stage.

Mr. Nelson:

Q. What was your testimony that you gave here yesterday relative to the conversation about the atomic bomb and myself. Will you restate what you said yesterday?

A. The testimony I gave yesterday on the atomic bomb, had to do with the time when the Pittsburgh newspapers headlined the news that the Soviet Union has the atom bomb.

Q. And who was present when that conversation was held?

A. Well, we were standing—you, George Wuchinich, Milo Mamula, myself——

Q. Where was that?

A. We were standing at the corner of Liberty Avenue and Smithfield Street, near I think the Sun Drug store.

[fol. 1644] Q. I see.

A. And we were commenting on the headline news about the Soviet Union having the atomic bomb.

Q. Yes.

A. And you were very jubilant about the fact that the Soviet Union had the atom bomb. And you——

Q. Do you remember testifying on——

Mr. Cercone: Just a minute, Your Honor, I would like to have the witness finish his answer.

The Court: Well, he was asked to review his testimony completely, and I think he should be allowed to do so.

A. And you said, "And we have the atom bomb now, and the enemy won't be in such a God damned hurry to start a war." And then there were other comments, "they will not be so God damned smart. And then in the course of the day and succeeding days there were other comments by you and other members of the Party and you referred——

Q. And——

Mr. Cercone: Just a minute. Let him finish his answer.

A. And you referred to this government as the enemy.

[fol. 1645] Q. And at this conversation that you relate here, where bombs were discussed, you placed two individuals, Wuchinuch and Mamula; right?

A. And myself.

Q. And yourself. And do you recall, Mr. Witness, when you were asked the question——

Mr. Cercone: What page is that?

Mr. Nelson: This is in another hearing, where the witness appeared in the Nuss case.

Mr. Nelson:

Q. On page 163, you were asked the same question. Mr. Kunzig, I believe, the——

A. Attorney for the State.

Q. "So far as you can recall have you had any discussion, involving Steve Nelson and the atomic bomb?" And answer, "yes". "Describe for us, please." "Answer, well, last fall, when the news came out in the Press that Russia had the bomb, Steve Nelson commented at a meeting," and the rest of the words in quotes, "we" referring to the Communist Party, "have the atomic bomb and now the enemy will not be so smart, and so forth." Now, Mr. Cvetic, yesterday you told us that you had that discussion, at the Sun drug store with two other men present, and when this was closer to the date when you testified in this case, you gave a different place, didn't you?

[fol. 1646] A. I did not.

Q. Didn't you say, "That Steve Nelson commented at a meeting"?

A. You commented on this in 943 Liberty Avenue, on the second floor, where we met. This was a particular conversation that took place on Smithfield Street; when I rode with you in the car, out to 51st Street, you were commenting on it. I never saw a guy so happy because the Soviet Union got the atomic bomb.

Q. Now, you always use exactly the same words, is that right?

Mr. Cercone: Your Honor, I don't think this ought to be allowed to go on. I think the witness ought to be allowed to finish his answer.

The Court:

Q. You never saw a guy so happy?

A. —that the Soviet Union had the atom bomb.

Mr. Nelson:

Q. So, what pleases you, Mr. Cvetic, you can find one setting in one group of people that hear exactly the same words, and then go somewhere else and repeat exactly the same words. Is that right?

A. No sir, that's not right.

Q. Well, aren't your words exactly the same in each one of these testimonies so far as what I was supposed to have said?

[fol. 1647] A. That is what you said. Not what you are supposed to have said. You said that.

Q. Yes, just like your story to Warner Brothers, Mr. Cvetic, isn't that right? How much cash are you going to get for telling this story, will you tell me?

Mr. Cercone: That is objected to.

The Court: Objection sustained. He has been over that before.

Mr. Nelson: May we approach the bench, your Honor.

The Court: Come forward.

(At side bar.)

Mr. Nelson: I want to call your attention to the fact there are men here in the Court room, I can point them out, who are making threatening remarks when I pass by. I don't know them but they are always hanging around here.

The Court: In the Court room?

Mr. Nelson: In the Court room. I don't want to make an issue of it but I think they should stop.

[fol. 1648] The Court: Yes, certainly.

Mr. Nelson: I would like the Court to adjourn, if you will, as I have a great headache and I can hardly stand on my feet. I would appreciate it very much because I want to get more material for cross-examination. I have very little time when I leave here to prepare my questions for the next day. There are passages and quotations here that I want to look up.

The Court: Very well. We will recess at this time.

(Court adjourns until tomorrow morning.)

[fol. 1649] Thursday, January 10, 1952.

Morning session.

COLLOQUY BETWEEN COURT AND COUNSEL

(Side Bar.)

The Court: Let the record show that I have directed that the spectators sitting close to the bench be informed to refrain from any remarks of any nature whatsoever.

Mr. Nelson: This is just a matter that I requested the D. A. to furnish me these exhibits (indicating) which I did not have, which were referred to either in the testimony of the prosecution or in the indictments. There are not very many of those and I would appreciate being furnished me these exhibits.

The Court. These are the ones you requested the District Attorney to furnish you?

Mr. Nelson: Yes, they were read to the jury or quoted from and I don't have any copies available.

[fol. 1650] Mr. Cercone: I think you got a complete copy of everything at the last trial.

The Court: What was done the last time, I don't know.

If available copies are here I would request you to give him a copy of each one in evidence.

Mr. Cercone: If we only have one copy we won't let it out of our possession; we will let him look at it while we are right with him.

The Court: I wouldn't permit any exhibits to leave the court room.

Mr. Nelson: I should have them in the court room.

The Court: We will permit——

Mr. Nelson: But that is difficult to prepare. I can't sit here all night.

The Court: But anything else of which you have more than one copy you may have. How many are there that [fol. 1651] you may only have one copy of?

Mr. Cercone: Well, the July 18th Daily Worker, we only have one. I think they had a copy last time.

Mr. Nelson: Well, your Honor, I want to make it clear that some of this material that Mr. Cercone refers to as having copies of, is in the hands of the lawyers writing the appeal in the other case and I want that understood that it's not binding on me——

Mr. Cercone: It's in the Pittsburgh Office.

Mr. Nelson: It's not all in the Pittsburgh Office.

The Court: He was represented by other counsel.

Mr. Nelson: Part of the work is being done by a group of lawyers in New York, I don't know them, and some of [fol. 1652] the work is being done here.

Mr. Cercone: If we have only one copy you can look at it while you are here.

The Court: At the conclusion of the session today we are going to recess until you are ready for your defense, whenever we set that, and I will review these matters with you gentlemen at that time and see what copies are available and you may take them with you. Any other exhibits in evidence we will arrange for your examination of them.

Mr. Nelson: I have raised this thing twice, your Honor. The matter of the two quotations, I can't locate the source of the one starting on Page 7 with the words, "Hence the——"

The Court: I think the two quotations were not read into evidence at all.

Mr. Cercone: I think they are——

[fol. 1653] Mr. Nelson: And the very last quote on the last page, I just can't locate the source. It may be in the stuff there.

Mr. Cercone: We will get that. Your Honor, while we are up here, the Commonwealth renews the motion to strike all the testimony regarding the matter of the radio program as being highly irrelevant because we can't see how this prosecution, which began in 1950, can be based on any motive of the private life of a witness.

The Court: That is only to affect the credibility of the witness that he is capitalizing on his knowledge and that is the reason for questioning the believeability of the evidence that he is giving. It's just another step. That is the only purpose that that is in.

Mr. Cercone: You see, he testified in the last trial and if Mr. Nelson hadn't been injured this wouldn't be up at [fol. 1654] all in this case.

The Court: That only goes to his credibility as of this moment. That is just another step the defense is raising, the question of the veracity of the use made of this information, capitalizing upon it for his own personal gain and I will explain that to the jury.

(End of side bar.)

Matthew Cvetic, resumed the stand.

Cross-examination. (Continued.)

Mr. Nelson:

Q. Will you repeat the words which you claimed were made by Winston at the North Side meeting where you met me and where I was accepted as the District Organizer of the Communist Party? What did he say in that meeting?

A. Winston said—again here I can't repeat the exact words but in substance he said that the National Board recognized the importance of Pittsburgh because the basic industries are located here; because U. S. Steel is located [fol. 1655] here; the steel industries are located here and therefore the National Board is sending one of their best

organizers, Steve Nelson, here to take the job of organizer in this district and it is also sending along to help Steve Nelson, Andy Onda, to actually take charge of the steel concentration work for the Party.

Q. Well, is that what you said here the other day when you testified?

A. To the best of my recollection I am giving here the substance of what Winston said at this meeting on the North Side when you were sent here by the National Board of the Communist Party to take charge of the Communist Party in the steel concentration area in Pittsburgh.

Q. Did you say or did you use the words here to the effect that because these industries were important from the point of view of National Defense and that is why the Communist Party was interested in these industries?

A. No, sir. They certainly are interested in the steel industry——

Q. What did you say?

A. I said Henry Winston——

Q. I am asking, did you state in your testimony here or did you not that the reason the Communist Party wanted to work in the industries is because of their value in national defense or their importance in national defense. Isn't that what you testified to on this stand?

[fol. 1656] A. In this case?

Q. Yes.

A. Not to the best of my recollection.

Q. Then you withdraw that statement?

A. I did withdraw it. I don't recall making it.

Q. Didn't you use the words that I came here for the purpose of infiltrating the industries here?

A. Those words I used, yes, sir.

Q. But my friend, Mr. Cvetic, when you were asked the same question before the Un-American Activities Committee by Congressman Walters, "Why the Communists were interested in the work in the Pittsburgh District?" What did you say? Do you recall what you said to him?

A. I don't recall what I said to him.

Q. Would you recognize the statement if I read it?

A. Well, I can tell you why the Communists were interested——

Q. Tell us what you said before the Un-American Activities Committee.

A. You want me to tell why they were interested in——

Q. You listen to me and answer my questions.

Mr. Cercone: I object to the defense counsel shouting at the witness.

The Court: You do this in a natural fashion. If you want [fol. 1657] to have the witness affirm or deny what you say, you read to him what the question is and the answer.

Mr. Nelson: That is what I am trying to do, your Honor.

The Court: All right. You do this in a natural fashion.

Mr. Nelson:

Q. Did you say the following: ——

The Court: Give him the question. Ask him, "In answer to the following question did you or did you not——"

Mr. Nelson:

Q. Did you or did you not give the following answer on Page 1243 of the Committee Report, that is the Report he made to the Un-American Activities Committee, "The National Board recognizes the importance of Western Pennsylvania because the basic industries are located here, steel, mining and electrical, and if we want to bring Socialism to the United States we must first build a party in these basic industries. The National Board considered this area [fol. 1658] so important in the struggle that it is sending one of its best Organizers here, Steve Nelson, to replace Hudson. The National Board also is sending Steve Nelson here because the United States Steel is located here and we must build a Party in the U.S. Steel and other plants in Western Pennsylvania; we must carry the program of the Communist Party to the workers in the steel mills, in the mines, and in the shops." Is there anything about "infiltration", Mr. Cvetic?

A. It's a word commonly used to denote——

Q. They are your words, you stool-pigeon, your own words, isn't that right?

Mr. Cercone: I object.

The Court: Objection sustained.

The Court:

Q. Did you or did you not give the answer to the question asked at the Un-American Activities Committee that has just been read to you?

A. Yes, sir.

Mr. Nelson:

Q. You did?

[fol. 1659] A. Yes, sir.

Q. Where did you discover the word "infiltration" here which you testified to for the prosecution in this case?

A. Your Honor, I can't answer with him shouting at me like that and I don't think I should have to stand for that.

The Court: You will put your questions to the witness in a normal manner, Mr. Nelson.

Mr. Nelson: Your Honor, you can't be patient with a person who twists his words and lies——

Mr. Cercone: I object to the speech of the defendant. He knows very well he can ask the questions.

The Court: Ask the question again.

Mr. Nelson: I can't help it if he is nervous.

The Court: No, but you can help, you can refrain from shouting. All right, ask the question in a normal tone of [fol. 1660] voice. No witness has the right to be addressed in the fashion that you have been addressing him, whether this witness or any other.

Mr. Nelson: I want to take exception to your remarks. I am doing the best I can, I haven't a lawyer and I can't put up a fight because this is a political trial——

The Court: You are not going to argue what kind of a trial this is. All I am asking you to do is to re-phrase your question and express yourself in a normal tone of voice.

Mr. Nelson:

Q. So then the word "infiltration" was a new addition that Mr. Cercone or Mr. Musmanno stuck in your mouth, isn't that right?

A. No, sir.